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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,159	10/17/2000	Oleg B. Rashkovskiy	INTL-0472-US (P10019)	2744

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EXAMINER	
VU, NGOC K	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/690,159	RASHKOVSKIY, OLEG B.	
	Examiner	Art Unit	
	Ngoc K. Vu	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *44-51,54-56 and 58-74* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *44-51,54-56 and 58-74* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 44-51, 54-56, and 58-74 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 44 and 54 are objected to because of the following informalities: it appears that the term "said receiver" refers to the content receiver. Please change the term "said receiver" into "said content receiver". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 73 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original specification only describes interrupting content feature on page 9, line 6+. Nowhere in the specification describes the feature "resuming the use of the content" as recited in claim 73. Therefore, claim 73 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 44-50, 54-56, 58-62, 64-68 and 70-73 are rejected under 35 U.S.C. 102(e) as being anticipated by Zigmond et al. (U.S. 6,698,020 B1).

Regarding **claim 44**, Zigmond discloses a method comprising:

receiving content (video programming) and at least two advertisements (a plurality of advertisements) on a content receiver (i.e., device 80) (see col. 14, line 67 to col. 15, line 16 and figure 5);

storing the content and advertisements in a cache (i.e., 86) coupled to said receiver (device 86 may store the plurality of advertisements and video programming - see col. 15, lines 24-34; col. 14, lines 9-12);

selecting a stored advertisement based on a content characteristic (advertisement parameters) that is specified by an advertisement provider (see col. 11, lines 35-42; col. 12, lines 15-18 and 33-38);

displaying content retrieved from said cache in one mode of display (i.e., playing video programming from recorded media – see col. 14, lines 1-4); and

in response to detecting a change from the one mode of display to another mode of display, displaying one or more selected advertisements for as long as the other mode of display continues (i.e., the video programming is interrupted and one or more selected

advertisements are displayed. Particularly, a delay code is embedded in the video programming, which functions to delay or pause the programming during the length of the advertisements. Once the advertisements are completed, the paused programming resumes – see col. 16, lines 33-41).

Regarding **claim 54**, Zigmond discloses a medium for storing instructions (i.e., software) (see col. 6, lines 48-67) that, if executed enable a processor-based system to:

receive content (video programming) and at least two advertisements (a plurality of advertisements) on a content receiver (i.e., device 80) (see col. 14, line 67 to col. 15, line 16 and figure 5);

store the content and advertisements in a cache (i.e., 86) coupled to said receiver (device 86 may store the plurality of advertisements and video programming - see col. 15, lines 24-34; col. 14, lines 9-12);

select a stored advertisement based on a content characteristic (advertisement parameters) that is specified by an advertisement provider (see col. 11, lines 35-42; col. 12, lines 15-18 and 33-38);

display content retrieved from said cache in one mode of display (i.e., playing video programming from recorded media – see col. 14, lines 1-4); and

in response to detecting a switch from the one mode of display to another mode of display, displaying one or more selected advertisements for as long as the other mode of display continues (i.e., the video programming is interrupted and one or more selected advertisements are displayed. Particularly, a delay code is embedded in the video programming, which functions to delay or pause the programming during the length of the advertisements. Once the advertisements are completed, the paused programming resumes – see col. 16, lines 33-41).

Regarding **claims 45 and 55**, Zigmond further discloses that the advertiser may specify a particular advertisement to be shown during a particular program is broadcast. The particular advertisement is selected according to a particular program being viewed based on content rating (see col. 12, lines 15-18 and 47-51; col. 13, lines 48-51).

Regarding **claims 46 and 56**, Zigmond further discloses comparing the content ratings of the advertisement specified by the advertiser to content rating of video programming being viewed (see col. 12, lines 15-18; col. 13, lines 48-57).

Regarding **claim 47**, Zigmond further discloses selecting an advertising based on subject matter specified by the advertisement provider (see col. 12, lines 15-18 and 60-62).

Regarding claims **48-49 and 58-59**, Zigmond further discloses the subject matter of the television program may be identified using the descriptions in the electronic program database 81, by monitoring the contents of the closed captioning information that is broadcast with the video and audio portions of the television program (see col. 13, lines 1-6).

Regarding **claims 50 and 60**, Zigmond discloses storing a variety of content types (digital encoded video programming and/or analog version of the video programming feed) and allowing any one of the content type to be selected for play at any time (see col. 15, lines 28-34).

Regarding claims **61 and 62**, Zigmond teaches receiving interruption instructions (i.e., triggering) over a channel that if executed enable the system to monitor for criteria that determines when content is able to be interrupted (see col. 15, lines 37-39).

Regarding **claim 64**, Zigmond discloses a system (figure 5) comprising:

a receiver (within device 80) receive content (video programming) and at least two advertisements (a plurality of advertisements) (see col. 14, line 67 to col. 15, line 16 and figure 5);

a cache (86), coupled to said receiver, to store the content and advertisements (device 86 may store the plurality of advertisements and video programming - see col. 15, lines 24-34; col. 14, lines 9-12); and

an interface (83), in said receiver, to select, based on a content characteristic (advertisement parameters) that is specified by an advertisement provider, a stored advertisement (see col. 11, lines 35-42; col. 12, lines 15-18 and 33-38), display content retrieved from said cache in one mode of display (i.e., playing video programming from recorded media – see col. 14, lines 1-4), and in response to detecting a switch from the one mode of display to another mode of display, displaying one or more selected advertisements for as long as the other mode of display continues (i.e., the video programming is interrupted and one or more selected advertisements are displayed. Particularly, a delay code is embedded in the video programming, which functions to delay or pause the programming during the length of the advertisements. Once the advertisements are completed, the paused programming resumes – see col. 16, lines 33-41).

Regarding **claim 65**, Zigmond discloses the system is a television receiver (i.e., webTV box – see col. 10, lines 22-26).

Regarding **claim 66-68**, Zigmond teaches receiving interruption instructions (i.e., triggering) over a channel that if executed enable the system to monitor for criteria that determines when content is able to be interrupted. The system further comprises a device (83) that parses content from instructions for inserting a selected advertisement and parses instructions for how to store the content and advertisements (see col. 15, lines 37-39; col. 11, lines 31-49).

Regarding **claim 70**, Zigmond further discloses that the advertiser may specify a particular advertisement to be shown during a particular program is broadcast. The particular

advertisement is selected according to a particular program being viewed based on content rating (see col. 12, lines 15-18 and 47-51; col. 13, lines 48-51).

Regarding **claim 71**, Zigmond further discloses selecting an advertising based on subject matter specified by the advertisement provider (see col. 12, lines 15-18 and 60-62).

Regarding **claims 72 and 73**, Zigmond discloses detecting a change in one mode of display includes detecting a pause in use of the content (detecting the interruption of video programming), and resuming the use of the content (once the advertisements are completed, the paused programming resumes – see col. 16, lines 33-41).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US 6,698,020 B1).

Claim 74, Zigmond teaches detecting a change in one mode of display includes detecting a pause in use of the content, i.e., detecting the interruption of video programming (see col. 16, lines 33-41). Zigmond does not explicitly teach the content or video programming is game. Official Notice is taken that video programming including game in television system is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Zigmond by providing game as video programming to enhance television interactive service.

9. Claims 51 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US 6,698,020 B1) in view of Picco et al. (US 6,029,045 A).

Regarding **claims 51 and 69**, Zigmond teaches receiving interruption instructions and forwarding the interruption instructions to an interface (90), the interface monitoring for criteria that determines when content is able to be interrupted (see col. 15, lines 35-39 and 57-65 and figure 5). Zigmond does not explicitly teach receiving interruption instruction at a program guide. However, Picco teach multiplexing command/control signal with program guide data to transmit to user, wherein the command data is the instruction to instruct the processor within the receiver to insert the advertisement (see col. 8, lines 36-39 and 59-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Zigmond by sending interruption instruction with a program guide as suggested by Picco to distribute the instruction to the user for purpose of saving cost and time.

10. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US 6,698,020 B1) in view of Mendelson et al. (US 3,594,732 A).

Regarding **claim 63**, Zigmond discloses storing the content and the advertisement in the storage (see col. 15, lines 24-34). Zigmond does not teach executing instructions enable distributing a particular content item to a variety of locations on the cached. Mendelson teaches that instructions are provided which cause contents in memory locations to be relocated for storage into other memory locations (see col. 28, lines 26-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Zigmond by executing instructions which cause the contents to be relocated for storage into other memory locations for purpose of securing data or contents in the memory.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ngoc K. Vu
Primary Examiner
Art Unit 2623

April 24, 2006